

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JERRY ANDERSON,

Plaintiff

v.

Case No. 2:17-12676

District Judge Victoria A. Roberts

Magistrate Judge Anthony P. Patti

COLTER FURST,  
MICHAEL THOMAS, and  
NATHAN ELLIS

Defendants.

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**ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND THE  
DISPOSITIVE MOTION DEADLINE (DE 111) AND EXTENDING THE  
DISPOSITIVE MOTION DEADLINE TO NOVEMBER 1, 2019**

Plaintiff, a state prisoner who is proceeding *in forma pauperis*, brings this prisoner civil rights lawsuit against three defendants, Colter Furst, Michael Thomas and Nathan Ellis, all Michigan State Police Troopers, alleging they violated his rights under the Fourth Amendment by using excessive force during his arrest on September 4, 2015. (DE 1.) He seeks injunctive and declaratory relief, in addition to compensatory and punitive damages. (*Id.*) All Defendants have been served and have filed their Answer. (DE 14.)

On July 22, 2019, Plaintiff filed the instant motion to extend the dispositive motion deadline (DE 111), requesting expedited consideration as the current

dispositive motion deadline is August 1, 2019 (DE 107 at 4). Plaintiff contends that he is still waiting on documents responsive to four subpoenas (and that he is unclear as to whether these subpoenas have been served). (DE 111 at 5.) He asserts that the requested documents “are important to and relevant to prove [his] claims” and that “[i]t would be unfair to force [him] to file dispositive motions without the evidence as he would be fighting with one arm behind his back.” (*Id.*) Plaintiff also states that he is waiting for several objections to be ruled on by Judge Roberts. (DE 111.) He requests a six month extension of the dispositive motion deadline. (*Id.*) On July 29, 2019, Judge Roberts issued an order overruling Plaintiff’s objections (DE 112), but Plaintiff still has not received anything in response to the four subpoenas at issue, and it does not appear that those subpoenas have been successfully served. Therefore, the Court Clerk will re-issue four subpoenas identical to the subpoenas at ECF No. 80, Page IDs 403-418, but with a return date of 21 days after the date of service of the subpoenas, and direct the United States Marshals Service to serve those subpoenas by certified mail, return receipt requested, forthwith on the persons/entities at the addresses listed on each of the subpoenas. No further action will be required from the plaintiff in this regard. Costs of service are waived.

Based on the above, Plaintiff’s motion to extend the dispositive motion deadline is **GRANTED** and the deadline for filing dispositive motions shall be

extended to **November 1, 2019**, which should allow Plaintiff sufficient time to receive and review any documents responsive to the subpoenas. **No further extensions will be granted.**

**IT IS SO ORDERED.**

Dated: July 31, 2019

s/*Anthony P. Patti*

Anthony P. Patti  
UNITED STATES MAGISTRATE JUDGE